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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,261	10/31/2000	Paul G. Allen	4000.2.8	1804
32641	7590	12/05/2003	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			USTARIS, JOSEPH G	
		ART UNIT	PAPER NUMBER	
		2611	2	
DATE MAILED: 12/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/703,261	ALLEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph G Ustaris	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 7 elements 702, 704, and 706. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "reserved communication channel" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. The office will assume that this dependent claim is dependent on claim 16.

Claim 20 recites the limitation "reserved MPEG channel" in line 4. There is insufficient antecedent basis for this limitation in the claim. The office will assume that this dependent claim is dependent on claim 17.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 10, 13, 15, 23, 24, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Legall et al. (US006005565A).

Regarding claim 1, Legall et al. discloses a system and method for a power search tool that searches multiple resources or “information source” (See column 2 line64 – column 3 line 4). The power search tool receives a request for information by the user. The user can define topics or “criteria for delivery” by using the query tools (See Fig. 3b). The power search tool searches or “monitoring” the various resources or “information sources” until the topics have been found. Once the topics have been found, the information from the resources are displayed or “delivering the requested information” on a display of a personal computer (PC) or “Internet-enabled television system” (See column 3 lines 11-27). The power search tool modifies the current electronic program guide (EPG) by highlighting or displaying the information that meets the topic requirements or “criteria for delivery” to notify the user (See column 3 lines 15-27).

Regarding claim 9, the query tools provide a list of categories and subcategories or “hierarchically-arranged list of information categories” to further define the search criteria (See Fig. 3b and column 3 lines 34-40). The user selects from this list and the power search tool uses the selection as its search criteria or “receiving a user selection...from the hierarchically-arranged list”.

Regarding claim 10, the power search tool disclosed by Legall et al. is presented to the user using a graphical user interface (GUI) (See Fig. 3b). The power search tool is capable of displaying the results of the search within the EPG section of the GUI or “displaying the delivered information in a designated area of the GUI” (See column 3 lines 19-24).

Regarding claim 13, the power search tool lists the results of the search within the GUI notifying the user that the search is complete. The list may contain URLs where the user can select the URL using the cursor to bring up the corresponding website or “displaying the delivered information...in response to a subsequent user action” (See column 4 lines 35-49). All this information may be viewed on a display of the PC or “Internet-enabled television system”.

Claim 15 contains the limitations of claim 1 (wherein the power search tool performs the method claimed in claim 1) and is analyzed as previously discussed with respect to that claim.

Claim 23 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Art Unit: 2611

Claim 24 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 13 and 15 and is analyzed as previously discussed with respect to those claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Broadwin et al. (US005929850A).

Regarding claim 2, Legall et al. discloses a system and method for a power search tool that searches multiple resources or "information source" (See column 2 line64 – column 3 line 4). The power search tool receives a request for information by the user. The user can define topics or "criteria for delivery" by using the query tools (See Fig. 3b). The power search tool searches or "monitoring" the various resources or "information sources" until the topics have been found. Once the topics have been found, the information from the resources are displayed or "delivering the requested information" on a display of a personal computer (PC) or "Internet-enabled television system" (See column 3 lines 11-27). The power search tool modifies the current

electronic program guide (EPG) by highlighting or displaying the information that meets the topic requirements or "criteria for delivery" to notify the user (See column 3 lines 15-27). However, Legall et al. lacks a method and system where the power search tool can reserve a communication channel for the requested information.

Broadwin et al. discloses an interactive television system that is capable of providing still images or "requested information" upon user request. The interactive television system utilizes a pre-designated channel reserved for user requests. The pre-designated channel may be used to deliver additional MPEG still or "requested information" to the user (See column 13 lines 1-12). Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the power search tool disclosed by Legall et al. to be able to reserve a communication channel for receiving the search results or "requested information", as taught by Broadwin et al., in order to provide a means for ensuring an open channel for the search results to be delivered on.

Regarding claim 3, the reserved channel disclosed by Legall et al. in view of Broadwin et al. transfers MPEG stills making the channel a "MPEG channel" (See column 13 lines 5-8 and 10-12).

Claim 16 contains the limitations of claims 2 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 3 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Broadwin et al. (US005929850A) as applied to claims 2, 3, 16, and 17 above, and further in view of Kusaba et al. (US006510556B1).

Regarding claim 4, Legall et al. in view of Broadwin et al. lacks a method where the reserved MPEG channel is stored within a "private information indexing table" and transmitted to the "Internet-enabled television system".

Kusaba et al. discloses a video distribution system that stores the distribution channel or "reserved MPEG channel" within a schedule table or "private information indexing table" (See Fig. 4e and column 5 lines 48-58). The schedule table is then transmitted to the user's computer or "Internet-enabled television system". Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the power search tool disclosed by Legall et al. in view of Broadwin et al. to store the "reserved MPEG channel" within a schedule table or "private information indexing table" and transmit it to a PC or "Internet-enabled television system", as taught by Kusaba et al., in order to notify the receiving units on which "MPEG channel" the "requested information" will be received on.

Claim 18 contains the limitations of claims 4 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Broadwin et al. (US005929850A) and in further

view of Kusaba et al. (US006510556B1) as applied to claims 4 and 18 above, and further in view of Sorensen (US006598226B1).

Regarding claim 5, Legall et al. in view of Broadwin et al. and in further view of Kusaba et al. lacks a method where the PC or "Internet-enabled television system" detects information received on the "reserved MPEG channel".

Sorensen discloses a retrieving apparatus or PC that retrieves information. The retrieving apparatus has a detector that is capable of detecting when it receives data packets or "information" from a particular channel. The detector then sends a signal or "information monitoring trigger" to the processor notifying that the data packets have been retrieved (See column 3 lines 40-59; column 4 lines 7-12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the PC or "Internet-enabled television system" disclosed by Legall et al. in view of Broadwin et al. and in further view of Kusaba et al. to be able to detect when information is received on the "MPEG channel" and to generate a signal or "setting an information monitoring trigger", as taught by Sorensen, in order to notify the PC or "Internet-enabled television system" that the "requested information" has been received and ready to be viewed by the user.

Claim 19 contains the limitations of claims 5 and 15 and is analyzed as previously discussed with respect to those claims.

Art Unit: 2611

Claims 6 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Broadwin et al. (US005929850A) as applied to claims 2, 3, 16, and 17 above, and further in view of Inoue et al. (US20020016963A1).

Claim 6 contains the limitations of claim 2 (wherein the power search tool retrieves the information from the resources or “requested information” in order to display it) and is analyzed as previously discussed with respect to that claim. However, Legall et al. in view of Broadwin et al. lacks a method where the “requested information” is encoded and transmitted over a cable network.

Inoue et al. discloses an information receiving apparatus or PC or “Internet-enabled television system” that receives encoded data over a CATV cable or “cable delivery network”. Inoue et al. discloses that the data is encoded at the sending station by an information encoder (See Fig. 1) and that the method for encoding used is MPEG encoding (See paragraph 0080). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall et al. in view of Broadwin et al. to encode the information to be sent to the PC or “Internet-enabled television system” and transmit the encoded information over a CATV cable, as taught by Inoue et al., in order to effectively use the capacity and bandwidth of the CATV cable to deliver the information to the user.

Claim 20 contains the limitations of claims 6 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 7, 8, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1).

Regarding claim 7, Legall et al. discloses a system and method for a power search tool that searches multiple resources or "information source" (See column 2 line64 – column 3 line 4). The power search tool receives a request for information by the user. The user can define topics or "criteria for delivery" by using the query tools (See Fig. 3b). The power search tool searches or "monitoring" the various resources or "information sources" until the topics have been found. Once the topics have been found, the information from the resources are displayed or "delivering the requested information" on a display of a personal computer (PC) or "Internet-enabled television system" (See column 3 lines 11-27). The power search tool modifies the current electronic program guide (EPG) by highlighting or displaying the information that meets the topic requirements or "criteria for delivery" to notify the user (See column 3 lines 15-27). However, Legall et al. lacks a method and system where the user can select a type of notification format.

Maze et al. discloses a gopher agent that searches for particular programs for the user. The user can define a type of notification or "receiving a user selection of a notification format" for when the program has been found and the gopher agent will notify the user using the selected type of notification (See Fig. 2 and column 3 lines 5-10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall et al.

to be able to give the user the capability to choose a type of notification for when the search has found the information requested by the user, as taught by Maze et al., in order to provide more convenience to the user by giving them options to configure the power search tool to their personal preferences.

Regarding claim 8, the system disclosed by Legall et al. in view of Maze et al. notifies the user using the user-selected type of notification, as discussed in claim 7.

Claim 21 contains the limitations of claims 7 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 22 contains the limitations of claims 8 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 11, 12, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Knudson et al. (US006536041B1).

Regarding claim 11, Legall et al. discloses a system and method for a power search tool that searches multiple resources or "information source" (See column 2 line64 – column 3 line 4). The power search tool receives a request for information by the user. The user can define topics or "criteria for delivery" by using the query tools (See Fig. 3b). The power search tool searches or "monitoring" the various resources or "information sources" until the topics have been found. Once the topics have been found, the information from the resources are displayed or "delivering the requested information" on a display of a personal computer (PC) or "Internet-enabled television

system" (See column 3 lines 11-27). The power search tool modifies the current electronic program guide (EPG) by highlighting or displaying the information that meets the topic requirements or "criteria for delivery" to notify the user (See column 3 lines 15-27). However, Legall et al. lacks a method and system where the information is displayed over the television program displayed by the PC or "Internet-enabled television system".

Knudson et al. discloses a program guide system that is capable of displaying an information ticker over the television program or "superimposing... over a television program" that provides information that the user requests (See Fig. 13 and column 13 line 49 – column 14 line 13). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall et al. to display the information over the television program displayed by the PC or "Internet-enabled television system", as taught by Knudson et al., in order to give the user a clear and direct view of the information the user requested.

Regarding claim 12, the information ticker disclosed by Legall et al. in view of Knudson et al. "horizontally" scrolls through different information categories by use of buttons (See Knudson et al. Fig. 13 element 194).

Claim 25 contains the limitations of claims 11 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 12 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Combs et al. (US006564383B1).

Regarding claim 14, Legall et al. discloses a system and method for a power search tool that searches multiple resources or “information source” (See column 2 line64 – column 3 line 4). The power search tool receives a request for information by the user. The user can define topics or “criteria for delivery” by using the query tools (See Fig. 3b). The power search tool searches or “monitoring” the various resources or “information sources” until the topics have been found. Once the topics have been found, the information from the resources are displayed or “delivering the requested information” on a display of a personal computer (PC) or “Internet-enabled television system” (See column 3 lines 11-27). The power search tool modifies the current electronic program guide (EPG) by highlighting or displaying the information that meets the topic requirements or “criteria for delivery” to notify the user (See column 3 lines 15-27). However, Legall et al. lacks a method and system where an e-mail is sent notifying the user that the search is done and the information is ready to view.

Combs et al. discloses a computer system that is able to search through television programs and when the search is complete, the system is capable of sending an e-mail to the user notifying that the search is complete and the information is ready to be viewed (See column 6 lines 44-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall et al. to be able to send an e-mail to the user to notify

the user that the search is complete and the information is ready to be viewed, as taught by Combs et al., in order to notify the user that the search is done at a different location away from the PC or "Internet-enabled television system" thus enabling the user to leave the system unattended while the search is being preformed.

Claim 28 contains the limitations of claims 14 and 15 and is analyzed as previously discussed with respect to those claims.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Yamada et al. (US006532269B2) for their method of sending encoded data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

Application/Control Number: 09/703,261  
Art Unit: 2611

Page 15

JGU  
November 19, 2003

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